

Attorney Docket No. 03533/LH**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant : S. NAKAGAWA
Serial No. : 10/655,354
Filed : September 3, 2003
For : MICROSCOPIC IMAGE CAPTURE APPARATUS
AND MICROSCOPIC IMAGE CAPTURING
METHOD
Art Unit : 2872
Examiner : ARNEL C. LAVARIAS
Customer No.: 01933

RESPONSE- 37 C.F.R. 1.111

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This is responsive to the Office Action mailed
November 26, 2004, the term for response to which expires on
December 26, 2004.

ELECTION

Applicant hereby elects Species 1, for further prosecution
on the merits, without traverse.

CLAIMS READABLE ON ELECTED SPECIES

The claims readable on elected Species 1 are claims 1-5,
9-14, 18 and 19.

The Examiner indicated that claims 18-19 appear to be
generic among species 1-3. Therefore, it is respectfully

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N. Sahadco
Nalini P. Sahadco

Dated: December 21, 2004

In the event that this Paper is late filed, and
the necessary petition for extension of time
is not filed concurrently herewith, please
consider this as a Petition for the requisite
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tendered by credit card payment,
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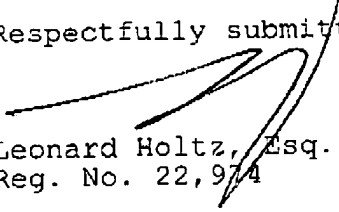
requested that claims 18 and 19 be examined along with claims 1-5 and 9-14.

It is respectfully requested that prosecution on the merits now proceed on the basis of the election set forth above.

It is respectfully submitted that this submission is fully responsive to the outstanding Office Action.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


Leonard Holtz, Esq.
Reg. No. 22,974

December 21, 2004

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